

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
* AUGUST 28, 2023 *
BROOKLYN OFFICE

KTF:JRS
F. #2023R00212

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X

UNITED STATES OF AMERICA

- against -

HERZIN CINEUS,

Defendant.

-----X

THE GRAND JURY CHARGES:

I N D I C T M E N T

Cr. No. 23-CR-348
(T. 18, U.S.C., §§ 982(a)(2)(B),
982(b)(1), 1028A(a)(1), 1028A(b),
1028A(c)(4), 1029(a)(2), 1029(b)(2),
1029(c)(1)(A)(i), 1029(c)(1)(C),
1029(c)(2), 2 and 3551 et seq.; T. 21,
U.S.C., § 853(p))

Judge Nina R. Morrison

Magistrate Judge Vera M. Scanlon

COUNT ONE

(Conspiracy to Commit Access Device Fraud)

1. In or about and between October 2022 and December 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant HERZIN CINEUS, together with others, did knowingly and with intent to defraud conspire to effect transactions with one or more access devices issued to one or more other persons, to receive payment and one or more things of value during a one-year period, the aggregate value of which was equal to or greater than \$1,000, in a manner affecting interstate commerce, contrary to Title 18, United States Code, Section 1029(a)(2).

2. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendant HERZIN CINEUS, together with others, did commit and cause the commission of, among others, the following:

OVERT ACTS

(a) On or about October 19, 2022, CINEUS, without authorization, made a purchase at Store 1, a department store located in New York, New York, the identity of which is known to the Grand Jury, using a credit card issued in the name of Individual 1, an individual whose identity is known to the Grand Jury.

(b) On or about October 20, 2022, CINEUS, without authorization, made a purchase at Store 1 using a credit card issued in the name of Individual 1.

(c) On or about October 21, 2022, CINEUS, without authorization, made a purchase at Store 1 using a credit card issued in the name of Individual 2, an individual whose identity is known to the Grand Jury.

(d) On or about November 23, 2022, CINEUS, without authorization, made a purchase at Store 1 using a credit card issued in the name of Individual 3, an individual whose identity is known to the Grand Jury.

(e) On or about December 8, 2022, CINEUS, without authorization, made a purchase at Store 2, a department store located in New York, New York, the identity of which is known to the Grand Jury, using a credit card issued in the name of Individual 3.

(f) On or about December 28, 2022, CINEUS, without authorization, made a purchase at Store 2 using a credit card issued in the name of Individual 4, an individual whose identity is known to the Grand Jury.

(g) On or about December 29, 2022, CINEUS, without authorization, made a purchase at Store 2 using a credit card issued in the name of Individual 5, an individual whose identity is known to the Grand Jury.

(Title 18, United States Code, Section 1029(b)(2), 1029(c)(1)(A)(i) and 3551 et seq.)

COUNT TWO
(Access Device Fraud)

3. In or about and between October 2022 and December 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant HERZIN CINEUS, together with others, did knowingly and with intent to defraud use one or more unauthorized access devices, to wit: credit cards, in a manner affecting interstate commerce, and by such conduct did obtain things of value aggregating \$1,000 or more during a one-year period.

(Title 18, United States Code, Sections 1029(a)(2), 1029(c)(1)(A)(i), 2 and 3551 et seq.)

COUNT THREE
(Aggravated Identity Theft)

4. In or about and between October 2022 and December 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant HERZIN CINEUS, together with others, during and in relation to the crimes charged in Counts One and Two, did knowingly and intentionally transfer, possess and use, without lawful authority, one or more means of identification of one or more other persons, to wit: credit

cards issued in the names of other persons whose identities are known to the Grand Jury, knowing that such means of identification belonged to said persons.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), 1028A(c)(4), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE AND TWO

5. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts One and Two, the government will seek forfeiture in accordance with: (a) Title 18, United States Code, Section 982(a)(2)(B), which requires any person convicted of such offenses to forfeit any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses; and (b) Title 18, United States Code, Section 1029(c)(1)(C), which requires any person convicted of such offenses to forfeit any personal property used or intended to be used to commit such offenses.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

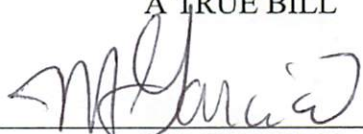
without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1) and 1029(c)(2), to seek

forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2)(B), 982(b)(1), 1029(c)(1)(C) and 1029(c)(2); Title 21, United States Code, Section 853(p))

A TRUE BILL



FOREPERSON

By M. Kristin Lane, A.U.S.A.
BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

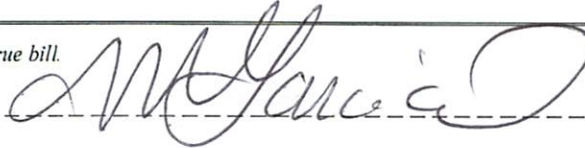
HERZIN CINEUS,

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 982(a)(2)(B), 982(b)(1), 1028A(a)(1), 1028A(b), 1028A(c)(4),
1029(a)(2), 1029(b)(2), 1029(c)(1)(A)(i), 1029(c)(1)(C), 1029(c)(2), 2 and 3551
et seq.; T. 21, U.S.C., § 853(p)

A true bill.



Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

James R. Simmons, Assistant U.S. Attorney (718) 254-7511